

Testimony of Eric Brown
Connecticut Business & Industry Association
Commerce Committee
March 18, 2014

H.B. 5573: AN ACT CONCERNING BROWNFIELD REMEDIATION AND DEVELOPMENT.

CBIA's Position: Support

Good morning and thank you for this opportunity to provide comment in support of the above referenced bill. My name is Eric Brown and I serve as associate counsel and director of energy and environmental policy for the Connecticut Business & Industry Association (CBIA). CBIA represents approximately 10,000 businesses in Connecticut of all sizes and our core mission is to help advance policies that make Connecticut an attractive choice for investment creating more opportunities for our citizens to have good jobs and high quality of life for themselves and their families.

Accordingly, CBIA appreciates the Commerce Committee raising H.B. 5573 and is pleased to support this measure because we believe it will help accelerate the remediation and revitalization of contaminated properties that are all too common in our state, largely due to our significant and proud history of contributing to our nation's preservation and prosperity during the industrial revolution.

Unfortunately, economic and regulatory conditions in our state are not yet such that we can wholly rely on attracting private capital to invest in cleaning up these properties. One positive measure taken by the legislature several years ago was the creation of a Licensed Environmental Professional program (LEP) whereby experts in the private sector could certify to the state that cleanups had been conducted in accordance with state requirements.

In reality, the source of contamination can often be remediated more quickly than groundwater impacted by the pollution. Under these circumstances, the LEP can submit an "interim verification" stating that the site has been cleaned-up except that the remedy for cleaning up the groundwater is in progress but not yet completed and that monitoring and reporting of progress on this component of the cleanup will continue, but that the property is otherwise ready for reuse. These interim verifications may be subject to an audit by the Department of Energy and Environmental Protection (DEEP).

This bill recognizes that some brownfield sites are very large and it is possible and appropriate in some cases to get them cleaned-up in phases. Specifically, the bill allows LEPs to submit

interim verifications for when a portion of such a site is cleaned-up and ready to be put back to productive use – even if the entire site will not be cleaned-up until a later time.

Further, since many of these cleanups are conducted only after significant interest, and sometimes significant investments are made by private entities interested in redeveloping the site, this bill provides a reasonable time from for the DEEP to determine, after submission of the interim verification, as to whether it will elect to conduct an audit.

These are very positive steps that will help our state advance the important goals associated with brownfield redevelopment and we respectfully urge the Commerce Committee to approve H.B. 5573.

Thank you for this opportunity to testify in support of H.B. 5573.